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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,889	01/30/2004	Kyung-geun Lee	1793.1171	4187
49455 7590 12/26/2007 STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			EXAMINER DINH, TAN X	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 12/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/766,889

**Applicant(s)**

LEE, KYUNG-GEUN

**Examiner**

TAN X. DINH

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 29-32 and 34-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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1) The amendment and Terminal Disclaimer filed 10/30/2007 is acknowledged.

2) The drawings were received on 10/30/2007. These drawings are acceptable.

3) The I.D.S filed 8/17/2007 has been considered by the Examiner. However, the Japan and/or foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the English Abstract and the drawings.

Form PTO-1449 or PTO/SB/08 is(are) attached herein.

4) Claims 1-7 *and* 34-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase " second track pitch other than the first track pitch " (claims 1 and 34) renders the claims indefinite since it was not clear what applicant intended to cover by the recitation " other than " ( longer, shorter, smaller, bigger, etc., ). The resulting claim(s), therefore, do not clearly set forth the metes and bounds of the patent protection desired.

The phrase " specific pattern " (claims 31 and 32) renders the claims indefinite since it was not clear what applicant intended to

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cover by the recitation " specific pattern " ( every pattern could be considered as specific pattern ).

Claim(s) 2-7 and 35-40 incorporate the indefiniteness of claim(s) 1 and 34 by virtue of their dependency thereon.

5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

6) (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7) Claims 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by IIDA et al ( 7,164,633 ).

IIDA et al discloses an optical information storage medium as claimed in claim 29, comprises:

a burst cutting area (BCA) ( Fig.64, BCA Descriptor 1 byte at position 16 );

a lead-in area ( Fig.6, Lead-in area );

a user data area ( Fig.6, program area );

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a lead-in-out area ( Fig.6, lead-out area ); and  
a transition area ( Fig.62, Mirror Area ),  
wherein at least one of the BCA, the lead-in area, the user data  
area, and the lead-out area is divided into a plurality of sub-  
areas, and wherein the transition area is located between two  
adjacent sub-areas ( Fig.62, 2 sub-areas are embossed data area and  
rewritable area, Mirror Area is located between them ).

As to claims 30-32, IIDA et al shows the pits in sub-area is  
formed in straight single pattern or wobble single pattern ( see  
figure 56, the pits form in straight pattern fashion and figure 7  
the pits formed in wobble single pattern ).

8) Claims 1-7 are allowed.

9) Claims 34-40 would be allowable if rewritten or amended to  
overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set  
forth in this Office action.

10) Applicant's arguments with respect to claims 1-7,29-32 and 34-  
40 have been considered but are moot in view of the new ground(s) of  
rejection.

11) Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Primary  
Examiner TAN Xuan DINH whose telephone number is (571)272-7586. The

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examiner can normally be reached on MONDAY to FRIDAY from 8:30AM to 5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**TAN DINH**  
**PRIMARY EXAMINER**

December 19, 2007